

Guido Saveri (22349)

guido@saveri.com

R. Alexander Saveri (173102)

rick@saveri.com

Geoffrey C. Rushing (126910)

grushing@saveri.com

Travis L. Manfredi (281779)

travis@saveri.com

SAVERI & SAVERI, INC.

706 Sansome Street

San Francisco, California 94111

Telephone: (415) 217-6810

Facsimile: (415) 217-6813

*Interim Lead Counsel for the
Direct Purchaser Plaintiffs*

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

IN RE: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

Master File No. CV- 07-5944-SC

MDL No. 1917

This Document Relates to:

DIRECT PURCHASER CLASS ACTIONS

**DIRECT PURCHASER PLAINTIFFS'
ADMINISTRATIVE MOTION TO SEAL
DOCUMENTS PURSUANT TO CIVIL
LOCAL RULES 7-11 AND 79-5(d)**

Pursuant to Civil Local Rules 7-11 and 79-5(d), Direct Purchaser Plaintiffs (“DPPs”) hereby move the Court for leave to file the following documents, or portions thereof, under seal:

- Gray highlighted Portions of the Reply Brief in Support of Direct Purchaser Plaintiffs’ Motion for Class Certification that contain quotations or information from documents that Defendants have designated “Confidential” or “Highly Confidential”;
- Exhibits 1, 5, 6, and 7 to the Declaration of Geoffrey C. Rushing in Support Reply Brief in Support of Direct Purchaser Plaintiffs’ Motion for Class Certification that contain quotations or information from documents that Defendants have designated “Confidential” or “Highly Confidential”; and
- The Reply Expert Report of Jeffrey J. Leitzinger, Ph.D.

This motion is supported by the Declaration of Travis L. Manfredi in Support of Direct Purchaser Plaintiffs’ Administrative Motion to Seal Documents Pursuant to Civil Local Rules 7-11 and 79-5(e), dated November 11, 2013. *See* Civ. L. R. 79-5(e).

Civil Local Rule 79-5 governs the filing under seal of entire documents or portions of documents that contain material that is “privileged, protectable as a trade secret or otherwise entitled to protection under the law.” Civ. L.R. 79-5(a)-(e). Civil Local Rule 79-5(d) provides: “A party seeking to file a document, or portions thereof, under seal (“the Submitting Party”) must: (1) File an Administrative Motion to File Under Seal, in conformance with Civil L.R. 7-11.”

In compliance with Civil Local Rule 79-5(d), DPPs submit this Administrative Motion because they wish to file documents that contain either: (a) material designated by a Defendant pursuant to a Protective Order as “Confidential” or “Highly Confidential”; or (b) analysis of, references to, or information taken directly from material designated by a Defendant pursuant to a Protective Order as “Confidential” or “Highly Confidential.” *See id.*

DPPs seek to file the above material under seal in good faith in order to comply with the Protective Order in this action and the applicable Local Rules. Because certain defendants and various third parties contend that the material they have designated is confidential in nature, it is their burden to establish that the designated information is sealable. Civil L.R. 79-5(e); *see Kamakana v. City of Honolulu*, 447 F.3d 1172, 1178-80 (9th Cir. 2006). DPPs leave it to this Court’s discretion to determine whether the above material should be filed under seal. Courts have repeatedly emphasized that a party must make a “particularized showing of good cause” and show

1 a “compelling reason” to justify the sealing of motions and papers filed with a court. *See Foltz v.*
 2 *State Farm Mutual Auto. Ins. Co.*, 331 F.3d 1122, 1138 (9th Cir. 2002) (reversing the lower court’s
 3 sealing of records because there was no “compelling reason to justify sealing” under the protective
 4 order). As the Ninth Circuit has stated, the “hazard of stipulated protective orders” is that they
 5 “often contain provisions that purport to put the entire litigation under lock and key without regard
 6 to the actual requirements of Rule 26(c).” *Kamakana*, 447 F.3d at 1193. Plaintiffs file this
 7 administrative motion in order to comply with the Protective Order entered in this action.

8 WHEREFORE, Direct Purchaser Plaintiffs respectfully submit this administrative motion
 9 pursuant to the Protective Order and Civil Local Rule 79-5 and hereby notify the parties of their
 10 burden to establish that the designated material is sealable.

11 DATED: November 11, 2013

Respectfully Submitted,

12
13 /s/ Travis L. Manfredi

14 Guido Saveri

15 R. Alexander Saveri

Geoffrey C. Rushing

16 Travis L. Manfredi

SAVERI & SAVERI, INC.

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San Francisco, CA 94111

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19 Facsimile: (415) 217-6813

20 *Interim Lead Counsel for the*
 21 *Direct Purchaser Plaintiffs*